

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

| | | |
|--|---|---------------------------------------|
| LOUISIANA-PACIFIC CORPORATION, |) | |
| |) | |
| Plaintiff/Counter-Defendant, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 3:18-cv-00447 |
| |) | |
| JAMES HARDIE BUILDING PRODUCTS INC., |) | DISTRICT JUDGE JON P. McCALLA |
| |) | MAGISTRATE JUDGE BARBARA D. |
| |) | HOLMES |
| Defendant/Counter-Plaintiff/Third- Party Plaintiff, |) | JURY DEMAND |
| |) | |
| v. |) | |
| |) | |
| THE KRUSE BROTHERS, INC., |) | |
| |) | |
| Third-Party Defendant. |) | |

**JAMES HARDIE BUILDING PRODUCTS INC.’S NOTICE REGARDING
AMENDED MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW Defendant/Counter-Plaintiff James Hardie Building Products Inc. (“JH”) and respectfully notifies the Court that JH strikes paragraph 4(d) in its request for relief in its Amended Motion for Preliminary Injunction (ECF Nos. 149 (sealed) and 154, at p. 6, ¶ 4(d)).

In support of this Notice, JH states that it has always sought narrow injunctive relief tailored to stop Counter-Defendant Louisiana-Pacific Corporation’s and Third Party Defendant The Kruse Brothers, Inc.’s false and misleading statements about the provisions of OSHA’s Final Rule on Silica for Construction, 29 CFR § 1926.1153 *et seq.* (the “OSHA Silica Rule”). Despite this narrow focus, confusion as to the scope of paragraph 4(d) has arisen over the course of discovery. To clarify the scope of its Motion, and to avoid any confusion at the injunction hearing, JH respectfully withdraws the relief requested in paragraph 4(d) of the Amended Motion for Preliminary Injunction.

Respectfully submitted,

/s/ Maia T. Woodhouse

Thomas Anthony Swafford, TN BPR No. 017578

Maia T. Woodhouse, TN BPR No. 030438

Rocklan W. King III, TN BPR No. 030643

Fifth Third Center

424 Church Street, Suite 2700

Nashville, Tennessee 37219

Tel: (615) 259-1450

Fax: (615) 259-1470

Email: tony.swafford@arlaw.com

maia.woodhouse@arlaw.com

rocky.king@arlaw.com

Adam F. Massey (*admitted pro hac vice*)

Adams and Reese, LLP

1221 McKinney Street, Suite 4400

Houston, Texas 77010

Tel: (713) 308-0113

Fax: (713) 308.4053

Email: adam.massey@arlaw.com

Tara L. Swafford, TN BPR No. 017577

The Swafford Law Firm, PLLC

207 Third Avenue North

Franklin, Tennessee 37064

Tel: (615) 599-8406

Fax: (615) 807-2355

Email: tara@swaffordlawfirm.com

Counsel for James Hardie Building Products Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of September 2018, the foregoing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail, postage prepaid. Parties may access this filing through the Court's electronic filing system.

Samuel F. Miller
Nicholas R. Valenti
A. Grace Van Dyke James
Miller Legal Partners PLLC
Fifth Third Center – Suite 2000
424 Church Street
Nashville, Tennessee 37219
Email: smiller@millerlegalpartners.com
nvalenti@millerlegalpartners.com
gjames@millerlegalpartners.com

Brian T. Boyd
William M. Leech, III
LAW OFFICE OF BRIAN T. BOYD
750 Old Hickory Blvd., Bldg. 2, Ste. 150
Brentwood, TN 37027
Email: brian@boydlegal.co
will@boydlegal.co

/s/ Maia T. Woodhouse

Maia T. Woodhouse